

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

WILLIE MCCRAY, #183709	)	
	)	
	)	
Petitioner,	)	
	)	
v.	)	CASE NO. 1:06-CV-1107-WKW
	)	
WILLIE THOMAS, et al.,	)	
	)	
Respondents.	)	

**SUPPLEMENTAL ANSWER**

Come now the Respondents, by and through the Attorney General for the State of Alabama, and, in response to this Honorable Court's June 19, 2007 order directing Respondents to file a supplemental answer in this present case, and state as follows:

The Respondents requested copies of any correspondence to either the Supreme Court of Alabama or the Alabama Court of Criminal Appeals per this Court's order of June 19, 2007. A representative of the Supreme Court of Alabama, specifically, staff attorney Wayne Thomas informed this office that McCray had not directed any correspondence to them requesting certiorari or other action to be taken by the Supreme Court of Alabama.

The Alabama Court of Criminal Appeals forwarded copies of a Motion for Appointment of Counsel filed by McCray on January 3, 2002; that was denied by the court on January 3, 2002, and a copy of the motion to withdraw, that was filed by McCray's appellate counsel with the Alabama Court of Criminal Appeals on December 21, 2001.

McCray cannot demonstrate to this Court, the failure to present issues from the direct appeal of his conviction, to the Supreme Court of Alabama was through no fault of his own.

Respectfully submitted,

Troy King (KIN047)

*Attorney General*

By:

/s/Daniel W. Madison

Daniel W. Madison (MAD029)

*Assistant Attorney General*

### **CERTIFICATE OF SERVICE**

I hereby certify that on this 9th day of July, 2007, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system and I hereby certify that I have mailed by United States Postal Service the foregoing document to the following non-CM/ECF participant:

Willie McCray  
AIS #183709  
Elmore Correctional Facility  
P.O. Box 8  
Elmore, Alabama 36025

/s/Daniel W. Madison  
Daniel W. Madison (MAD029)  
Office of the Attorney General  
Alabama State House  
11 South Union Street  
Montgomery, AL 36130-0152  
Telephone: (334) 242-7300  
Fax: (334) 242-2848  
E-Mail: [DMadison@ago.state.al.us](mailto:DMadison@ago.state.al.us)

#### **ADDRESS OF COUNSEL:**

Office of the Attorney General  
Criminal Appeals Division  
Alabama State House  
11 South Union Street  
Montgomery AL 36130-0152  
(334) 242-7300  
291041/MCCRAY  
103478-001

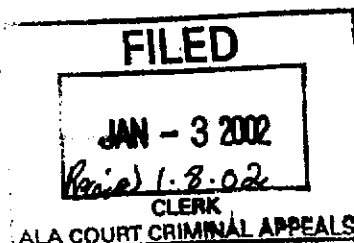
IN THE COURT OF CRIMINAL APPEALS  
STATE OF ALABAMA

STATE OF ALABAMA  
APPELLEES

VS -  
Willie McCray  
APPELLANT

CASE NO. CR-00-241

1/10/02 Motion denied  
Judge Kelli Rose



MOTION FOR APPOINTMENT OF COUNSEL

Comes now the Appellant, Willie McCray in the above-styled cause and moves this Honorable Court pursuant to Rule 61(a) Rights to Counsel A.R.C.P. and states the following to-wit:

The Appellant received letter on the 3rd day of January, 2002, informing the Appellant that on the 21st day of December, 2001, his application for rehearing was denied on the same date. Further Attorney Joseph W. Lewis informed Appellant he was filing a motion to withdraw as the Appellant's Counsel.

1. The Counsel is under obligation and have of duty under the 6th Amendment of the U.S. Constitution, to render Appellant effective assistance of Counsel on direct appeal.

2. The Counsel, Joseph W. Lewis, withheld evidence, that would prove Appellant's innocence of murder. This evidence was for to Counsel on the — day of December, 2001.

Attachment 1

3. THE UNITED STATES SUPREME COURT STATED  
IN O'SULLIVAN v. BOERCKEL, SUPRA AT

THAT APPELLATE COUNSEL MUST  
EXHAUST ALL OF THE APPELLANT'S  
APPEAL REMEDY ON DIRECT APPEAL  
AND MUST RENDER EFFECTIVE  
ASSISTANCE, THE SAME AS A  
TRIAL COUNSEL OWES THE DUTY,  
LIKEWISE DO APPELLATE COUNSEL

WHEREFORE, PREMISES CONSIDERED THE APPELLANT  
PRAYS, AND ASK THE AMICABLE TO ORDER JOSEPH W.  
LEWIS, ESQ. TO COME FORTH WITH THE RECORD AND  
EVIDENCE THAT IN HIS POSSESSION. THAT WAS  
WITHHELD, AND THEREAFTER APPOINT UNTO YOUR  
APPELLANT AN ATTORNEY TO REPRESENT HIM THE  
DURATION OF HIS APPELLATE PROCESS.

Respectfully Submitted,  
Willie Mc Cray  
Willie Mc Cray  
A/S #183709 B/93  
100 WARRIOTE LANE  
BESSEMER, ALABAMA  
35023

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing motion for appointment of counsel this 3rd day of January, 2002 by serving same upon appellees and counsel by placing same in the U.S. mail postage prepaid and properly addressed.

WALLIE MC CRAW

COURT OF CRIMINAL APPEALS  
STATE OF ALABAMA  
300 DEXTER AVENUE  
PO. BOX 301555  
MONTGOMERY, AL. 36130-1555

BILL FAYON  
ATTORNEY GENERAL  
STATE OF ALABAMA  
11 SOUTH UNION ST.  
MONTGOMERY, AL. 36130

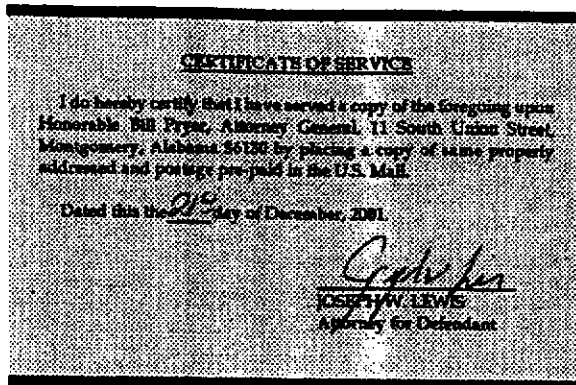
JOSEPH W. LEWIS  
ATTORNEY AT LAW  
211 W. MAIN ST. - SUITE 1  
DOTHAN, AL. 36301

THE SUPREME COURT  
STATE OF ALABAMA  
300 DEXTER AVENUE  
PO. BOX 301555  
MONTGOMERY, AL. 36130-1555  
- 3 -

Marston

**CASE NO.: CR 2000 - 0241**

## A Hachment 2



BYRD &amp; BYRD

[Signature]  
JOSEPH W. LEWIS (LEW 048)  
Attorney for Defendant  
P.O. Box 536  
Dothan, Alabama 36302  
(334) 794-0759  
(334) 792-0163 fax